

REMARKS

With reference to the rejection on Higgins (5,985,682), this rejection was traversed as set forth in the response to the Office action dated February 14, 2007 and the traversal was acceptable at that time and is still proper and incorporated herein by reference. The claims rejected in view of Higgins are readable on the original invention disclosure as filed on 11/06/2001. If the examiner wishes to refute the agreement by prior examiners, it is requested that it be shown on the record where a problem exists. It is noted again that this case was ORDERED by the Board to be taken up with special dispatch over two years ago and this order has been violated.

Claim 32 has been canceled to remove any issue with regard to this claim.

As to the listing of the claims and compliance with 37 CFR 41.202(1)(1)-(6), this has been done in full in the response to the Office action dated July 24, 2008.

It is again stressed that the Board ordered on September 28, 2006 that this application be handled with "special dispatch" on page 16 of their Decision on Appeal. This application has been pending for more than ten years and even longer when considering the provisional application. It is therefore requested that the order of the Board be honored with "special dispatch".

The remarks from the response to the Office action dated July 24, 2008 are incorporated herein by reference.

In view of the above showing and the papers already of record, all requirements of the Office action have been met. Accordingly, it is requested that the interference be declared forthwith and with "SPECIAL DISPATCH" as required by the Board

Respectfully submitted,



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